

REMARKS**Affirmation of Election**

On March 23, 2006, Applicants elected to prosecute claims 4-8 and 13 in a telephonic restriction requirement by the Examiner. Applicants hereby affirm the election of the aforesaid claims without traverse. However, all of the pending claims which have not been withdrawn include the feature of an extendable wall portion that has a pressure applying surface at the distal end of the wall.

Response to Specification Objections

The abstract of the disclosure is objected to by the Examiner because it utilizes the phrase "the invention" and that the abstract exceeds the 150 word limit. The abstract of the disclosure has been amended to overcome this objection.

Response to Claim Rejections under 35 U.S.C. §103

Claims 1, 3, 4, 6, 7, 9-15, and 20-34 were rejected by the Examiner under 35 U.S.C. §103(a) as being unpatentable over Burbank et al. (U.S. Pub. No. 2002/0165579) in view of Nagel (U.S. Pat. No. 2,400,251). The independent claims of the present application have been amended to include a distally extendable wall portion secured to the open end of the cervical receptacle and which has a pressure applying surface on the distal end thereof. The Burbank reference fails to disclose or teach a device having a distally extendable wall portion which has a distal pressure applying surface. The cylindrically shaped member of Burbank which receives the patient's uterine cervix does not have a distally extending wall portion. The only mention of a distal compressing portion in the Burbank reference included a constant force

generating member in the form of a helical spring (paragraph 51) which applied pressure distally to the cylindrical member.

The Nagel reference describes a cervix receiving receptacle, but it does not describe a distally extendable wall portion, so it fails to make up for the deficiencies of the Burbank reference which likewise does not have this feature. The combination of these references fail to teach or suggest all of the features found in the amended claims, so these references cannot render the claimed invention obvious.

Response to Claim Rejections under 35 U.S.C. §102

Claims 1, 2, 16, 17, 18, 19 and 21 were rejected by the Examiner under 35 U.S.C. §102(b) as being anticipated by Nagel ('251). The independent claims of the present application have been amended to include an extendable wall portion which has a distal pressure applying surface. The Nagel reference fails to disclose or teach a device having a distally extending wall portion which has a pressure applying distal surface. Because the Nigel reference fails to teach or suggest all of the features of the above claims, applicants submit that the reference does not anticipate these claims.

Response to Allowable Subject Matter

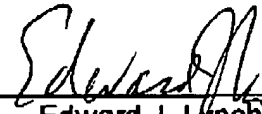
The applicants note with appreciation the Examiner's indication that Claims 5 and 8 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. However, in view of the amendments made to the independent claim from which claims 5 and 8 depend, applicants believe that the independent claim is now directed to patentable subject matter, so further amendments to claims 5 and 8 are unwarranted.

Conclusion

Applicants believe the presently pending claims define patentable subject matter.

Reconsideration and an early allowance are earnestly solicited.

Respectfully submitted,

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